



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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June 16, 2003

8500(P)
CA-170.4

To Whom It May Concern:

The attached notification provides information on a proposed action within the Bodie Mountain Wilderness Study Area (WSA CA-010-099). We will be preparing an environmental assessment for the proposal in the next month. We request that you provide any comments on the proposal to our office by July 16, 2003.

For further information on the proposal, contact Jeff Starosta, Range Conservationist, Bishop Field Office, 351 Pacu Lane, Bishop, CA 93514, (760) 872-5025. If you prefer, contact Jeff Starosta by e-mail at jstarosta@blm.gov.

Sincerely,

Bill Dunkelberger
Field Manager

Attachment: (1)

NOTIFICATION OF A PROPOSED ACTION IN A WILDERNESS STUDY AREA

STATE: California

WILDERNESS STUDY AREA:
Bodie Mountain

COUNTY: Mono

WSA NUMBER: CA-010-099

LOCATION: Bishop Field Office
351 Pacu Lane
Bishop, CA 93514
(760) 872-5025

WSA ACREAGE: 23,934 acres

CATEGORY: Temporary Use Permit

DATE: 06/13/03

1. Background and Description of Proposed Action:

F.M. Fulstone, Inc. has submitted a proposal to BLM to conduct maintenance on a “cherry stemmed” road which serves as a border within a Wilderness Study Area (WSA). The maintenance would occur on a portion of Cinnabar Canyon Road that leads to Fulstone private property in the Bodie Hills. A long-standing livestock permittee, Fulstone has requested to improve a segment of Cinnabar Canyon Road about 1.67 miles long and located in T. 4 N., R. 25 E., Section 31 & 30 (see map). The Fulstone private land is located in Section 19.

The Cinnabar Canyon road begins at State Highway 270 on private land owned by the Arrache family. The remainder of the road leading to the Fulstone’s private land is administered by the BLM. This road is a designated “cherry stemmed” road that is surrounded by the Bodie Mountain WSA (CA-010-099). Map 1 shows the WSA boundaries around and along the road. The road and an some adjoining public land to the east was excluded from the WSA because of pre-FLPMA mining disturbances and its need for access and maintenance to service the old mine operations and ongoing livestock operations.

Fulstone seeks to improve the road in order to transport cattle into and out of their private land by semi truck. In the past, Fulstone would unload about 125 head of cattle in early spring on private land along State Highway 270 and Cinnabar Canyon Road. Each year they would construct a temporary corral to hold cattle before trailing them up the Cinnabar Canyon Road to their private land. At the end of the grazing season in the fall, the cattle were trailed westerly cross-country through the Bodie Hills and across U.S. Highway 395 to winter pastures. The permittee would coordinate with California Highway Patrol to close the highway temporarily during the cattle crossing. The

development of new housing tracts along the west edge of the Bodie Hills has blocked access making it impossible to use this traditional means of cattle movement.

The proposed road improvement to accommodate a semi truck and trailer would serve additional purposes. It would eliminate spring cattle trailing along an ephemeral creek and unique peat bog which adjoin Cinnabar Canyon Road; it would reduce dependence on an adjacent private landowner; and it would eliminate a traffic hazard along Highway 395 during fall cattle trailing operations.

The proponent has requested permission to widen straight sections of the road from its approximate present width of 10 feet to 12 feet maximum. Approximately five curves along the road would be widened from their approximate width of 13 feet to 15 feet maximum. Additionally, the proponent would level uneven portions of the road with fill material or level blading, and remove any protruding surface rocks.

A semi truck requires an absolute minimum road width of approximately 8 feet with the rear cattle trailer needing an additional 3-4 feet in width. Practically however, a semi truck needs more than 8 feet in road width to avoid the possibility of driving off road onto unlevelled ground. Additionally, the weight of a cattle trailer tends to be top heavy and a cambered road could cause the truck to topple over. This safety and environmental aspect precludes consideration of driving on vegetation (a milder physical impact) along the road's uneven and irregular edge. A bulldozer would be used to widen straight sections of the road to a maximum of 12 ft. wide. Four curves in the road would be widened to 15 feet to compensate for the trailer which will track inward as the frontward semi truck completes the turn. Any residual soil and vegetative debris from the widening cut would be left as berms to armor the road edge or used to level the road. The road would need to be as smooth and level as possible.

In areas of the road where water tends to collect (i.e. dips and trenches) and where the road crosses water paths, an angular rock fill material would also be used. An angular rock source located in a CalTrans right-of-way located less than a ¼ mile from the Cinnabar Canyon road can be used. The angular rock fill would raise the height of the road, create a smooth and level surface, and harden the road to expand its durability. The camber of the road would be corrected by either fill or level blading. Finally, protruding surface rocks would be removed by a backhoe. Removed rocks would be used to armor adjoining sensitive areas or placed randomly to blend in with the surrounding environment.

The proponent would also conduct periodic maintenance, approximately every other year, to maintain the road's capability to support their truck hauling operations. Future maintenance is expected to remain within the scope of this environmental assessment's proposal and, in many cases, likely to be less. In cases where unforeseen circumstances dictate future maintenance exceeds the scope of this proposal, a supplemental environmental assessment would be prepared with public review. In any event, the proponent would be required to obtain authorization from the BLM for each future

maintenance action on Cinnabar Canyon Road; or a road maintenance agreement may be developed, containing stipulations derived from the environmental assessment.

The existing road character can accommodate most vehicles although there are numerous shallow dips and a few light washouts along the stretch to the Fulstone private land. Some indiscriminate vehicle use has occurred in adjoining meadows by other public land visitors. Rill formation is present which is caused by natural and human induced erosion. Camping occurs along the road in certain areas. The proponent has agreed to design their road maintenance program to keep vehicles on the existing road, i.e., harden the road edge with boulders to protect meadows; reduce cross-country travel; reduce rill erosion, and protect adjoining resource values from indiscriminate vehicle impacts.

The project is designed to reduce impacts to the greatest possible extent. Bulldozing of this road has occurred multiple times during pre-FLPMA mining and grazing operations. Where blading would occur, vegetation and soil on the sides of the road would be disturbed and/or removed. A BLM monitor would oversee the project and be present during the heavy equipment operator orientation. The monitor would have full authority to cease the operations due to unforeseen circumstances which arise or due to violation of authorization stipulations.

2. The Bodie Hills Coordinated Resource Management (CRM) Process

The Bodie Hills CRM process is designed to involve any interested citizens, resource management agencies, user/interest groups, and/or other constituencies to collaborate on issues pertaining to natural resource management in the Bodie Hills. It is intended to operate as a collaborative planning process and make consensus-based decisions/recommendations in consideration of the Bodie Hills' overall ecosystem.

The process participants may be involved in such things (singly or in the aggregate) as they may determine as:

1. Make technical recommendations, depending upon the knowledge/experience of members, for on-the ground treatments/techniques; or
2. Provide input to management policy or decision-making (while conforming with existing laws and regulations); or
3. Promote consultation, coordination, communication in the interest of conservation, making recommendations to guide on-the ground resource management.

The CRM process in California has existed for over 20 years and has wide support/endorsement from over two dozen state & federal agencies, and interest groups.

A field exam consisting of technical review team (TRT) members was conducted at Cinnabar Canyon Road on May 7th 2003. The purpose of the field exam was to discuss and develop the aforementioned proposal in light of the area's resource values. Eight persons were present during the field examination. (Appendix 2). Attendees included BLM representatives Joe Pollini (Wilderness Specialist) and Jeff Starosta (Range Conservationist), Fulstone Inc. representatives Richard and Georgia Fulstone, Jan Huggins (a private land owner), Paul McFarland (Friends of the Inyo) and two representatives from the Natural Resources Conservation Service.

3. Additional Information

The July 1995 Interim Management and Policy Guidelines for Lands Under Wilderness Review (IMP) provides management guidance for WSAs. In general, new proposals are required to meet a nonimpairment standard for wilderness values in any WSA. However, a different standard is applied for access to private lands within a WSA. The IMP states that "the BLM is required by law to provide such access as is adequate to secure to the landowner the reasonable use and enjoyment of non-Federal owned land which is completely surrounded or isolated by public lands administered under the Federal Land Policy and Management Act (FLPMA). In determining adequate access, the BLM has discretion to evaluate such things as proposed construction methods and location, to consider reasonable alternatives and to establish such terms and conditions as are necessary to protect the public interest." The BLM will analyze this proposal in consideration of this standard.

This road improvement is considered to be an urgent need by the Fulstones. The Fulstone's would like this project completed by late August or early September of 2003. The project would only take a few days to complete. The BLM Archeologist, Kirk Halford, did a field evaluation on May 16th, 2003. The BLM Botanist, Anne Halford, performed a field examination on May 20th, 2003. Their findings will be presented in the environmental assessment.

4. Future Actions:

An environmental assessment will be prepared to address this proposal. Implementation to improve the road is scheduled for late August/early September of 2003. Periodic road maintenance is anticipated every other year.

5. Chronology/Proposed Timeline for Analysis:

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| Spring 2003 | Fulstone Inc. notifies BLM of its need to improve Cinnabar Canyon Road to their property. |
| 05/07/03 | Technical Review Team (TRT) meets at Cinnabar Canyon to discuss Fulstone proposal and develop a proposed action. |

06/16/03	IMP Notice mailed out to interested parties. Thirty day comment period begins for the environmental assessment.
08/01/03	Environmental Assessment and Decision Notice completed. Thirty day appeal period begins.
08/15-09/01	A temporary use permit is issued. Permittee begins implementation.